GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:2890
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Rate of Disposal of Cases
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Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the details of the average disposal of cases by a High Court judge in a day;
(b) whether on an average, cases have taken 10 to 15 years to be disposed of in the High Courts;
(c) if so, the reasons for such inordinate delay and whether any system has been put in place for timely disposal of cases and if so, the details thereof;
(d) whether the Government has taken any concrete action plan to improve the rate of disposal of the cases and efficacy of the system; and
(e) if so, the details thereof along with the success achieved as a result thereof, so far?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) to (e): The average time taken for disposal of a case depends on several factors such as category of the case (civil or criminal), complexity of the circumstances and facts involved, nature and availability of evidences, co-operation of various stake-holders viz. bar, investigation agencies, witnesses and litigants besides the availability of physical infrastructure, supporting court staff and applicable rules and procedures. Hence, average disposal of cases differs from case to case and from High Court to High Court. It may not be practicable to compare the time taken for disposal of cases by various High Courts in the country due to involvement of several factors. The courts operate in different environment on account of difference in availability of infrastructure facilities, use of technology, number of availability of Judges, docket ratio, provisions of substantive laws and procedures in courts.

The Government does not maintain data on average disposal of cases per judge and the average time taken for disposal. However, during the period from 01st October, 2015 to 30th September, 2016, 15.86 lakh cases were disposed off by the High Courts having working strength of 597 Judges (as on 30.09.2016), which works out as average disposal of 2,657 cases by a High Court Judge during this period.

Disposal of cases pending in courts is within the domain of Judiciary. The Government has adopted a co-ordinated approach to assist judiciary for phased liquidation of arrears and pendency in judicial systems, which, inter-alia, involves better infrastructure for courts including computerisation, increase in strength of judicial officers / judges, policy and legislative measures in the areas prone to excessive litigation and emphasis on human resource development.

During the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held at New Delhi in April 2015, reduction of pendency and backlog of cases in courts emerged as an area which required focused attention at the High Court level. The Chief Justices of the High Courts in the Conference held on 03rd and 04th April 2015 have resolved that each High Court shall establish an Arrears Committee, which would go into the factors responsible for the delays and prepare an action plan to clear the backlog of cases pending for more than five years. It was further resolved in the Conference of Chief Justices of the High Courts held in April, 2016, that in order to ensure expeditious disposal of cases pertaining to women, marginalized segments, senior citizens and differently-abled, steps be taken to (a) prioritize the disposal of cases falling in these categories within the existing court system; (b) an endeavour be made to revisit the cadre strength of subordinate courts and, where necessary, create additional courts to deal with such cases. As per information available, Arrears Committees have been set up by the High Courts.

In addition to the above, following steps have also been taken by the Central Government in the matter.

(i) The sanctioned strength of Judges of High Courts has been increased from 906 judges to 1079 judges. Total 173 posts were sanctioned between June 2014 and May, 2016.
(ii) The sanctioned strength of the subordinate judiciary has been increased from 20,174 at the end of 2014 to 22,288 in December, 2016.
(iii) National Legal Services Authority (NALSA) provides mechanisms for access to justice for poor people in India, under the overall supervision of the Chief Justice of India as the Patron-in Chief. It organised the National Lok Adalat in July, 2017. More than 9.97 lakh cases including 5.33 lakh pending cases and 4.64 lakhs pre-litigation cases with the settlement amount of Rs.2,925 crores were disposed.
(iv) 1824 redundant Central Acts have been identified for repeal. So far, around 1200 Acts have been repealed.
(v) The Government has launched a nation-wide drive to reduce the number of cases pending in courts by curtailing the Government

litigation. The Minister of Law and Justice has written on 10th April, 2017 to all Ministers of Central Ministries and Chief Ministers of States to launch 'special arrears clearance drives' to reduce pending cases and minimize fresh litigations.

(vi) Based on the proposals received from the High Court Collegium, during the year 2016, 126 fresh appointment of Judges in High Courts and 131 Additional Judges were made permanent, which is the highest number of appointments made in a given year. In addition, the tenure of 22 Additional Judges of High Courts was also extended. Besides, based on the proposal received from the Supreme Court Collegium, 4 judges were appointed in the Supreme Court in 2016. During the current year (2017), 05 Judges have been appointed in the Supreme Court, 75 Judges have been appointed in the High Courts and 28 Additional Judges have been made Permanent. Besides, 08 Chief Justices have been appointed in the High Courts.

(vii) The 14th Finance Commission has endorsed the proposal to strengthen the judicial system in States which includes, inter-alia, establishing 1800 Fast Track Courts (FTCs) for a period of five years for cases of heinous crimes; cases involving senior citizens, women, children, disabled and litigants affected with HIV AIDS and other terminal ailments; and civil disputes involving land acquisition and property / rent disputes pending for more than five years at a cost of Rs. 4,144 Crores. The 14th Finance Commission has urged State Governments to use the additional fiscal space provided by the Commission in the tax devolution to meet such requirements. The Hon'ble Minister for Law and Justice has written to all Chief Ministers on 02nd May, 2017 to make available the fund recommended by the 14th Finance Commission to judiciary and to furnish the status of the implementation of the recommendations of the 14th Finance Commission.

(viii) As per the resolution adopted in the Joint Conference held in New Delhi on 24th April, 2016, the Government vide its letter dated 26th September, 2016 requested the State Governments to strengthen the institutional mechanism between the State and the Judiciary where the Chief Secretary and his team and 2 or 3 Judges of the High Court to regularly meet and monitor utilisation of plan fund and timely completion of infrastructure and eCourts Mission Mode project. The States have also been requested to assist Judiciary in preparing perspective / annual plan for various activities to be undertaken in the justice sector on account of enhanced devolution of funds to the States under the 14th Finance Commission. In addition, the States were requested to provide technical manpower for ICT upgradation.

(ix) The Government vide a letter dated 3rd February 2017, addressed the Chief Justices of the 24 High Courts requesting them to advise the district judiciary to ensure effective implementation of Section 436A Code of Criminal Procedure and ensure periodic monitoring of the associated Undertrial Review Committee Mechanism.

(x) Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 has been notified on 1st January, 2016 to have a streamlined procedure for the conduct of cases in the Commercial Division and in the Commercial Court by amending the Code of Civil Procedure, 1908 (CPC) for commercial cases so as to improve the efficiency and reduce delays in disposal of commercial cases.

(xi) Necessary amendments have been made to Arbitration and Conciliation Act, 1996 to make the award within 12 months, to resolve the dispute through fast track procedure, to ensure neutrality of arbitrators, and to restrict usage of the term 'Public Policy of India' (as a ground for challenging the award).

(xii) The Negotiable Instruments (Amendment) Act 2015 has been notified to clarify the jurisdiction where cases pertaining to dishonour of cheques may be filed and provide for transfer of cases to the appropriate jurisdiction and consolidation of multiple cases filed in different courts.

(xiii) The Minister of State for Law and Justice vide letter dated 7th February 2017, addressed the Chief Justices of all the High Courts requesting them to speed up the process of implementation of e-Court Project for actualising the objectives of the Project.

(xiv) The Government has approved a scheme of engaging 227 Nyaya Mitras in States where there are large number of pendency of court cases. The Nyaya Mitras are required to assist the litigants who are suffering due to delay in investigations or trial, by actively identifying such cases through the National Judicial Data Grid (NJDG). These Nyaya Mitras are meant to identify the bottlenecks due to which these cases are delayed.

(xv) The Government has also approved 'two legal aid and empowerment' initiatives: Pro bono legal services and Tele Law service. Under the Pro bono legal services an online database of lawyers and eligible litigants has been created. As on date 140 lawyers have enrolled under the scheme to provide free legal aid to marginalized persons. Under the Tele Law service, legal aid is mainstreamed through 1800 Common Services Centres in selected Panchayats in U.P., Bihar, States of North East and J & K. As on date a total of 568 cases have been registered in Tele Law portal for legal aid.

(xvi) In pursuance of resolution passed in the Chief Justices' Conference held in April, 2015, High Courts have set up Arrears Committees to clear the backlog of cases pending for more than five years. The Supreme Court has also constituted an Arrears Committee consisting of two Hon'ble Judges to formulate steps to reduce pendency of cases in High Courts and District Courts.

(xvii) The Minister of State for Law and Justice has also written to all Chief Ministers on July 19, 2017 to use additional fiscal space provided by 14th Finance Commission to set up Special Courts especially for handling cases pertaining to the crimes against women.